

Draft comments on CPR report
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Overall – Consolidation vs Decentralization

Consolidation of services is a good idea, but the report doesn't really analyze the tension and pros/cons of consolidation vs. decentralized approaches. State government has vacillated back and forth over the years (ask any long-time civil servant) between these two approaches.

This tension is understandable because there are benefits to both approaches on a case-by-case basis. Neither of them taken to an extreme function well for very long. As the report points out, fragmentation of services leads to unnecessary duplication. However, human nature is such that, when all services are consolidated into one unit, that unit tends overtime to become isolated from the specific needs of its customers, overly bureaucratic, less responsive and less service-oriented.

The report should face up front the disadvantages and advantages of both approaches and then encourage consolidation where it truly does promote efficiency. Factors or incentives need to be built into this consolidation that encourage service-orientation, cut-the-wasteful-bureaucracy attitudes for units that depend on these services.

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DFG – Habitat Conservation Planning

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DFG – Habitat Conservation Planning

Conservation Planning and Land Acquisition

The following four issues all describe, or infer, problems associated with the lack of a strategic statewide approach to conserving lands and natural resources.

- ❖ RES12 Restructure Funding and Governance for Certain Land Conservancies <http://report.cpr.ca.gov/cprprt/issrec/res/res12.htm> - This is the most specific, recommending *“The Resources Agency, or its successor, in conjunction with the conservancies and the Departments of Parks and Recreation and Fish and Game, or their successors, should develop a statewide master plan, including strategic guidelines, for land acquisition and resource protection for habitat and recreational purposes”*.
- ❖ RES13 Consolidate Resource Land Acquisition Processes (<http://report.cpr.ca.gov/cprprt/issrec/res/res13.htm>) - this states that *“Although various entities acquire land for ecosystem restoration and wildlife habitat preservation, the State does not have a comprehensive land use policy that provides a common vision of goals and objectives that these entities can follow.”* It doesn’t make any specific recommendation related to planning, but it reiterates the problem similar to RES 12.
- ❖ INF28 Water, Parks and Wildlife Bond Implementation is Inefficient <http://report.cpr.ca.gov/cprprt/issrec/inf/inf28.htm> - this states that bond implementation is inefficient, but I would add that this is due, in addition to any administrative inefficiencies, to the lack of any strategic approach about what bonds should be targeting in the first place.
- ❖ INF35 Early Integration of Infrastructure and Resource Planning Necessary <http://report.cpr.ca.gov/cprprt/issrec/inf/inf35.htm> - this specifically recommends (Recommendation A.2.a) that *“The Business, Transportation and Housing Agency and Resource Agency departments or their successors will use Geographic Information Systems and other mapping technologies to help federal, state and local agencies identify important resources and potential conflicts during the planning phase to provide better opportunities to explore options and resolve conflicts prior to project development.”*. Identifying “important resources” depends on having a good strategic approach in the first place.

The Legacy Project has been down this road and former staff from the Legacy Project have many lessons to share on how to make such a strategic plan effective and useful. Foremost, such an approach should avoid the initial mistake of Legacy Project in promoting “one-size-fit’s-all” plan. This direction was quickly abandoned, but not before damaging potentially fruitful partnerships with other agencies.

It is more productive, first of all, to provide support to departments to identify their own priorities, based on their own specific missions. Secondly, the effort can look for overlapping in areas of interest among different departments. Advantages to this approach are:

- ❖ It is less threatening to departments, who gain a sense of trust that their needs will be met
- ❖ It provides specific products early on that individual departments already feel vested in, since it is their ideas at work. Thus, there is no time spent convincing the department management that these are good projects

- ❖ It is a much faster process skips over long drawn-out consensus meetings, encouraging individual departments to more clearly articulate their statewide interests.
- ❖ It helps identify specific areas that two or more agencies may have an interest in, even if they came to that conclusion using different decision factors. As long as the goals of different agencies are sufficiently compatible, there is great potential for collaborative cost-sharing among agencies to protect the same land.
- ❖ Infrastructure agencies don't need to wait for a consensus from all natural resource agencies, but can immediately find out if their proposed project affects the interests of at least one (if not more) agency.

Naturally, this depends on each department more specifically articulating its goals and vision for land protection across the state. My experience is that this only exists for specific NCCPs, or specific issues, such as wetlands. It also depends better resource assessment data, flexibility to accept the risks of making incorrect decisions due to data inadequacies, and an ongoing analysis of regional or statewide natural resource status and trends. Understanding these broader status and trends is an essential element that is often missing from the conservation decision process.

Two other lessons that Legacy learned. Any statewide approach for a state as big and diverse as California needs to have a region-specific element. Different regions have different needs and different solutions that work well. Taking it on a regional level also makes it more tangible and practical to achieve meaningful results on the ground. The second lesson is that any such approach needs to be updated on a regular basis. Conservation needs change as other changes occur in land and water use, ownership, and socioeconomic pressures.

Encouraging Infill, Exempt Projects - INF37 Streamline the Environmental Review Process to Discourage Sprawl and Revitalize Older Developed Urban Areas

The report recommends using Master EIRs as an alternative to project-by-project EIRs. They should also list NCCPs as an alternative.

Exempting new development projects that are consistent with general plans and accompanying Master EIRs in older developed areas seems like a good idea. It would be an incentive to focus development on infill. However, to be effective, this will require the development of many new Master EIRs (or NCCP equivalents) which don't currently exist.

Even for those Master EIRs that do exist (as well as for any new ones), they may need to be updated regularly to ensure that biological issues are adequately addressed, not only onsite, but indirect affects offsite as well. Biological issues in these locations should also be described in a regional context to clarify their importance or lack of importance regionally. Updating these EIRs may be challenging, since even general plans are not regularly updated. Instead, they get eroded by a series of local planning decisions and subplans overtime, making them less than useful to guide conservation decisions.

Since development is occurring rapidly in many places, it might be difficult for local government to afford these Master EIRs. Perhaps there may be some overall cost-savings (and accomplishment of larger natural resource goals) by developing a partnership between state natural resource agencies and local government, in which

state agencies provide early planning advice and natural resource expertise for a series of geographically related areas.

Streamlined Environmental Review - RES15: Use Technology to Streamline the State-Level Environmental Review Process.

During the past few months, the Legacy Project has developed a rudimentary computer tool (Project Environment Checklist) that is akin to an electronic CEQA Checklist. In short, it enables the user to select the location of a project (either conservation or development) and to identify all known environmental resources on or near the site. This allows the user a one-stop, quick look at many existing environmental data sets to identify potential conflicts (or opportunities, in the case of conservation). It presents a unique opportunity to collaborate early in the process, thus reducing conflicts and increasing opportunities for effective planning.

The development of this tool is currently on hold, but it could be expanded into an online tool accessible to many users.

Mitigations Planning Tool, not Registry – RES31 (Establish State Mitigation Property Standards and Registry <http://report.cpr.ca.gov/cprprt/issrec/res/res31.htm>)

Recommendation B calls for a registry of mitigation banks, suitable properties available for purchase, and potential mitigation parcels. This will be difficult to update and it will perhaps not be useful to either project proponent or state regulatory agency. An alternative is to create an online tool that helps both proponent and regulator to identify possible sites based on the specific project impacts or needs. This can use GIS data on sensitive species, vegetation, ownership patterns, and other conservation planning data, as well as areas important to state agencies as called for in RES 12, to sort through a series of possible sites. Any existing mitigation banks could also be a data set for consideration, but this type of tool would provide a more realistic and comprehensive set of possible mitigation

Other DFG branches

DFG land acquisition - CPR's issue INF19 (Better Management Needed For California's Real Estate Assets <http://report.cpr.ca.gov/cprprt/issrec/inf/inf19.htm>) is rather vague as to whether the scope is only lands with developed facilities, or rural, undeveloped real estate as well. The background statement talks about "public parks and open space", suggesting inclusion of lands for wildlife purposes, but then goes on to discuss lands with tenants and structures. So it might apply to WCB/DFG or it might not.

If it does, it's unclear how the recommended "public corporation " would related to the consolidated real estate services section in RES11 and the "Resource Conservation Board" in RES13 (see below):

RES11 Consolidate Real Estate Services into One Organization
(<http://report.cpr.ca.gov/cprprt/issrec/res/res11.htm>) - *"The Governor should work with the Legislature to consolidate the real estate services staff of the Land Management Division, the Office of Acquisition & Real Property Services, and the Wildlife Conservation Board into one section within the Resources Agency or its successor."*

RES13 Consolidate Resource Land Acquisition Processes

(<http://report.cpr.ca.gov/cprprt/issrec/res/res13.htm>) - *"The Governor should work with the Legislature to reconstitute the Wildlife Conservation Board as the "Resource Conservation Board" and add the Resource Agency Secretary, the Director of Conservation and the Director of Parks and Recreation, or their successors, as board members granting the board broad powers to approve and fund all resource-related acquisitions".*

Centralized Grant Administration - INF28 Water, Parks and Wildlife Bond Implementation is Inefficient

Recommendation A calls for centralizing grant administration among three agencies into a single division within the Resources Agency. Considering the proposed reorganization in Chapter II, it would probably be more effective to establish distinct, service-oriented units with each of the Cabinet-level departments affected by bonds. This would provide more customized and flexible response to the needs of the new Departments of Resources, Environmental Protection, and Infrastructure, while still achieving improved consolidation over existing programs.

Land Value Pricing - RES13 recommends that the "Resource Conservation Board" adopt value pricing policies. *"The Resource Conservation Board (and related departments) should adopt value pricing policies to introduce competition among potential resource acquisition opportunities and focus on purchasing appropriate properties with the greatest discount over market value or estimated market value."*

This seems to emphasize financial values of properties over natural resource values, which can be hard to quantify in financial terms

Land Acquisition limits California's share of Federal funding? RES35 (Increase Efficiency in Using Existing Bond Funds for Environmental Enhancement <http://report.cpr.ca.gov/cprprt/issrec/res/res35.htm>) describes part of the problems is that "California is not receiving its fair share of federal conservation dollars." Jay Chamberlin's work with the Legacy Project clearly identified this as true. However, I don't see as how their argument supports the summary statement of *"State purchase of private land for these [resource conservation] projects ... limits California's share of federal conservation funds"*

Public-Private Partnerships - RES35 (Increase Efficiency in Using Existing Bond Funds for Environmental Enhancement <http://report.cpr.ca.gov/cprprt/issrec/res/res35.htm>) seems overly critical of fee-title acquisitions, in-lieu payments, and management of state-acquired lands, especially compared to the promotion of public-private partnerships as an alternative. I'm not convinced its that bad, especially in light of the recent article in Conservation Biology (Merenlender et, al. 2004. Land Trusts and Conservation Easements: Who is conserving what for whom? Conservation Biology, 18 (1): 65–75). In this articles, the authors conclude:

- ❖ it is not presently possible to discuss how effectively resources are being protected or to compare the performance of one type of easement or institution to another.

- ❖ the institutional literature is widely scattered and provides little sense of which institutions work best in particular ecological and political settings. Due to this dearth of information, it is difficult to determine when and where land trusts are more useful in terms of land conservation than alternative institutions
- ❖ Recent major shifts in funding mean that land conservation relies heavily on ostensibly private transactions that blend private and public funds. There is little understanding about the strings that come attached to these funds and how both the strings and competition for support affect conservation goals, organizational stability and success, and equitable access to the benefits of conserved resources. The division of actual costs among the public, the landowner, and the nonprofit sector is difficult to sort out, which can of course be politically advantageous. Clearly, the long-term effects of private-land conservation on local communities needs further study.

Other state departments

Conservancies – I'd like to suggest a longer-term fix to the problem of proliferating state conservancies of regional or local interest, identified as an issue in RES 12 (Restructure Funding and Governance for Certain Land Conservancies <http://report.cpr.ca.gov/cprprt/issrec/res/res12.htm>). There should be clear policy guidance set forth from the Governor defining the minimum requirements for any new state conservancy. Such policy guidance can be used to discourage the development of future conservancies of regional or local interest. As the report recognizes, these smaller efforts, while valuable, just don't fit at the same level of other state agencies.

SWRCB Role In Early Planning For Infrastructure - INF35 (Early Integration of Infrastructure and Resource Planning Necessary <http://report.cpr.ca.gov/cprprt/issrec/inf/inf35.htm>)

The following subrecommendation is listed under Recommendation A: "The Resource Agency and the Business, Transportation and Housing Agency or their successors will write a policy framework that allows infrastructure providers to collaborate with resource agencies early in the planning process to identify and commit to mitigation". Seems like there ought to be a role for SWRCB or CalEPA in there also, especially with regards to water quality.

Other Land Acquisition activities – RES 11 lists several real estate programs that need to be consolidated. However, it overlooks the real estate or land management roles of CDF (State Forests), DWR (floodplains), and the state conservancies.

Proposed Reorganization - Volume II

Infrastructure Department

Bay Delta Authority and new Water Division - The CPR report's Chapter 7 (<http://report.cpr.ca.gov/cprprt/frmfunc/ch7.htm>) recommends putting all of BDA into the Infrastructure Department's Water Division. Based on the new Division's goals, it seems an odd fit for BDA's ERP and Watershed Program. A better fit would be in the Natural Resources Department, or else broaden the purpose of the Division.

Natural Resources Department - The text description is a bit confusing:

Division of Land Management: Exhibit 9 calls for a Forestry and Land Management Division, but the text simply calls it the Division of Land Management. The report calls for transfer of some of DFG, DPR, and CDF roles, but not all of them related to land and natural resource management. Missing, for example, is any indication of whether this new Department would include DFG's Land and Facilities roles, DPR's Natural Resource management roles, and CDF's non-fire roles outside of their existing resource management program (such as FRAP).

Division of Wildlife Management: Although the purpose of this Division indicates the wide range of DFG biological resources management and planning, the description of the "transferred functions" ("wildlife management functions of DFG) can too easily be confused with just the existing game-related Wildlife Programs function of DFG, rather than other DFG roles. This needs to be clarified and distinguished from functions that would be in the Division of Land Management.

Division of Parks, History, and Culture: This Division is also poorly defined. Since it has a recreation component, does that mean that wildlife-oriented recreation should fall here on in the Wildlife Management Division? It describes transferring most of DPR's functions here, with the notable exception of their natural resource management function. Does that fit here or in the Land Management Division?

State Conservancies Division: The proposed reorganization would transfer the five conservancies of regional or local interest (San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, San Joaquin River Conservancy, Baldwin Hills Conservancy, San Diego River Conservancy, and Coachella Valley Mountains Conservancy) into this Division. This conflicts with the recommendation under RES 12 (<http://report.cpr.ca.gov/cprprt/issrec/res/res12.htm>), which calls for devolving these conservancies into local joint powers authorities.